

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 18-33**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other: 08/18/2017		5. DATE OF REQUEST: 03/21/2018	NEED RESPONSE BY: 04/02/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION: Ventura County	
3. PHONE NO.: EMAIL:		7. SUBJECT: Indigence Determination Calculation	
4. REGULATION CITE(S): MPP 63-503.492(d)(1)(B), ACL 11-06, CFR273.4(iv)		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 11-06, ACL 11-06E	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Scenario: A CF household of 4. Mom ineligible non-citizen, Dad a sponsored LPR, and two U.S. citizen children. Mom and Dad are working and one child is an SSI/SSP recipient.

Indigence must be determined as follows, the county should add *(1) the eligible sponsored non-citizen household's own current income, *(2) the cash contributions actually received from the sponsor or others, plus *(3) the value of any in-kind assistance the sponsor non-citizen and others provide, the sum should not exceed 130 %FPL of the *household size.

Question: When determining indigence, whose income is counted in the above calculation and what is the household size? Are we to count all income reported for the sponsored non-citizen household? In the scenario provided would we include income from mom who is an ineligible non-citizen, and the child who is an SSI/SSP recipient?

10. REQUESTOR'S PROPOSED ANSWER:

We are not sure to include the ineligible/excluded household members and their income in the determination of indigence. We were unable to locate any guidance about this information.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

1. MPP Sections 63-402.22, 63-402.221, and 63-402.226 provide that an ineligible noncitizen as well as an SSI recipient shall be considered a member of the household when defining household composition, but shall be excluded from the household when determining household size, eligibility or benefit level. In the scenario presented, only two individuals (the LPR and the child not receiving SSI) would be included as household members when defining the household size for purposes of determining CalFresh eligibility.

2. When calculating the CalFresh allotment, the resources of the ineligible noncitizen and a pro rata share of their income shall be considered available to the household (compare MPP Sections 63-501.21, 63-502.373 (b), and 63-503.442).

3. The income and resources of SSI recipients are not included when determining the household's benefit level per MPP Sections 63-502.373 (c) and 63-503.45. (continued on page 2)

FOR CDSS USE

DATE RECEIVED: 08/18/2017	DATE RESPONDED TO COUNTY/ALJ: 08/18/2017
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CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)**PI#18-33**

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		03/22/2018	04/02/2018
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
		County of Ventura	
3. PHONE NO.:		7. SUBJECT:	
EMAIL:		How to Determine Indigence	
4. REGULATION CITE(S):		8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i>	
MPP 63-503.492(d)(1)(B), ACL 11-06, CFR273.4(iv)		NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 11-06	

4. If, the income of the LPR, the cash contributions from the sponsor and from others, including the value of any in-kind assistance the sponsor and others provide is not more than 130 percent of the poverty income guideline for the household size, the LPR would be defined as indigent and the income of the LPR's sponsor would not be attributed to the LPR when determining the household's CalFresh allotment ((see MPP Section 63-102 (i)(7), MPP Section 63-503.492, ACL 11-06, and 7 CFR 273.4 (c)(3)(iv).. Income available to the LPR would include the earnings of the noncitizen mother, but would not include the SSI payment. If the income attributable to the LPR exceeds 130 percent of the FPL, a portion of the sponsor's resources and income will be considered available to the household per instructions in 7 CFR 273.4 (c)(2).